

considered a compromise proposal and that is keep the status quo for the funeral directors. They are the ones that are having a great deal of internal strife as to whether this should be changed. They are the ones that have been contacting you. I have got letter after letter after letter from funeral directors who do not like the position taken by their state association, and on the other hand what I am saying is let's leave the 85 percent provision in for the cemeteries. Keep in mind cemeteries today have no restrictions. We are giving the cemetery people additional responsibilities by requiring them to escrow 85 percent, the way the bill is originally written. I think with that what we will have is a bill that can probably be passed with the protection that is needed for the consumers and a definition that is needed for all consumers will in fact pass and we will still be able to afford the consumer protection to those individuals who go to the funeral director, arrange pre-need, that their dollars will be there. So what I am suggesting then is that the provision in the bill, page 7, paragraph 4, where it says the first 15 percent of the retail sales price of all pre-need sales, we make that only apply to cemeteries which will then require that the funeral directors keep their 100 percent escrow requirement. With that, I urge the adoption of this amendment.

PRESIDENT: Senator Schmit. Senator Schmit, do you wish to speak on this amendment? Senator Wesely. Is Senator Wesely here? Senator Nelson. Senator Pappas and Hoagland are next.

SENATOR NELSON: Mr. Speaker, members of the body, I agree with Senator Withem's amendment. I, too, was concerned, and being a new senator, this was a learning experience for me but I certainly think the cemeteries going from 0 percent to 85 percent escrow is a good move. But I also found that throughout the state maybe funeral directors that had not participated in their local organization and so on or had not kept up on the bill, but like many other things, when they found out that only 85 percent of the funeral directors amount was being put into escrow, there is a considerable amount of opposition. I have two concerns. One is if it will split their funeral directors organization if we don't compromise, and maybe the 85 percent in that reasoning, but the other reasoning is, I certainly support Senator Withem. As more and more funeral directors are finding out about the proposed bill, they are definitely for the 100 percent